

GREGORY P. O'HARA (SBN 131963)  
gohara@nixonpeabody.com  
ANDREW R. NEILSON (SBN 221694)  
aneilson@nixonpeabody.com  
GINA M. FORNARIO (SBN 246619)  
gforinario@nixonpeabody.com  
NIXON PEABODY LLP  
One Embarcadero Center, 18th Floor  
San Francisco, California 94111-3600  
Telephone: (415) 984-8200  
Fax: (415) 984-8300

Attorneys for Defendant  
FEDERAL DEPOSIT INSURANCE CORPORATION  
AS RECEIVER OF UNITED COMMERCIAL BANK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS S. WU,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, in its capacity as receiver of  
United Commercial Bank, and FEDERAL  
DEPOSIT INSURANCE CORPORATION, in its  
corporate capacity,

Defendants.

Case No. CV10-4085 JSW

**STIPULATION AND ~~PROPOSED ORDER~~  
CONTINUING PRETRIAL DEADLINES  
BASED ON CONDITIONAL  
SETTLEMENT**

**STIPULATION**

This case arises out of the failure of United Commercial Bank ("UCB"). On March 15-16, 2011, the above-captioned parties attended mediation with Hon. Daniel Weinstein (Ret.). The mediation included participants and issues from several legal actions, including Thomas Wu's claims against the Federal Deposit Insurance Corporation in its capacity as receiver of UCB (the "FDIC")

and the FDIC's claims against Mr. Wu (together, "the Parties"). The terms of a conditional global settlement were reached. However, given the number of participants and the complexity of the issues, the parties are still negotiating the terms and conditions of a final agreement;

WHEREAS the Parties believe that it would promote efficiency and the conservation of the Court's and the Parties' resources to continue pretrial deadlines while the Parties negotiate the terms and conditions of a final agreement;

THEREFORE, the Parties, through their respective counsel of record, hereby agree and stipulate that:

1. The FDIC's responsive pleading deadline shall be continued from July 29, 2011, to October 31, 2011; and

2. The Case Management Conference and all attendant matters – including the filing of the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial disclosures under Rule 26(a) – shall be continued until after October 31, 2011 on a date to be set by the Court.

Dated: July 11, 2011

NIXON PEABODY LLP

By /s/ Andrew Neilson

Andrew Neilson  
Attorneys for Defendant Federal Deposit  
Insurance Corporation, as receiver of  
United Commercial Bank

Dated: July 11, 2011

LATHAM & WATKINS LLP

By /s/ Timothy Crudo

Timothy P. Crudo  
Attorneys for Plaintiff Thomas S. Wu

**~~PROPOSED~~ ORDER**

The Case Management Conference currently scheduled for August 12, 2011, is hereby  
at 1:30 p.m.  
continued to November 4, 2011. The parties shall meet and confer and file a Joint Case  
Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before  
October 28, 2011.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: July 12, 2011

  
Hon. Jeffrey S. White